IN THE UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

LABORERS' PENSION FUND and)
LABORERS' WELFARE FUND OF THE	·
HEALTH AND WELFARE DEPARTMENT)
OF THE CONSTRUCTION AND GENERAL)
LABORERS' DISTRICT COUNCIL OF)
CHICAGO AND VICINITY, JAMES S.)
JORGENSEN,)
Plaintiffs,) Case No. 08 C763
v.))
) Judge Gettleman
DIXON INTERIORS, INC.,) }
Directivity and only	,
Defendant.	,)

AFFIDAVIT OF MICHAEL CHRISTOPHER

STATE OF ILLINOIS)
COUNTY OF COOK)

Michael Christopher being first duly sworn on oath, deposes and states as follows:

- 1. I am a Field Representative employed by the Laborers' Pension Fund and Laborers' Welfare Fund of the Health and Welfare Department of the Construction and General Laborers' District Council of Chicago and Vicinity (the "Laborers' Funds"), the plaintiffs in the above referenced action. My responsibilities include oversight of the collection of amounts owed by Dixon Interiors, Inc. This affidavit is submitted in support of the Laborers' Funds' motion for a default judgment and prove up of damages.
- 2. The Memorandum of Joint Working Agreement attached to the Complaint as Exhibit A is a true and accurate reproduction of the Agreement on file with the Laborers' Funds signed by Ann F. Dixon, on behalf of Dixon Interiors, Inc.
- 3. I reviewed an audit report prepared by Bansley & Kiener, LLP, the Funds' auditors for the period from June 1, 2006 through May 31, 2007 showing that principal in the amount of

\$42,763.90 is owed to the Welfare, Pension, Training Fund and to the Union for dues.

- 4. The respective Agreements and Declarations of Trust of the Laborers Funds, to which Dixon Interiors, Inc., is bound require payment of liquidated damages in the amount of 10 percent of the principal amount of delinquent contributions and interest is owed at the rate of prime plus two percent as charged by Chase Bank on all delinquent amounts owed from the date of the delinquency forward. The amount of \$4,276.39 is owed to the Funds in liquidated damage penalties. The amount of \$1,673.89 is owed in interest calculated through April 11, 2008. The amount of \$818.41 was charged to the Fund in audit fees.
- 5. Dixon Interiors, Inc., paid the October 2007 report in the amount of \$13,994.83 by check that was later determine NSF. To date, although the Funds made numerous requests, the Company has paid for a replacement payment to the Funds.
- 6. Dixon has also failed to report and pay contributions for November 2007 and for February 2008 through the present.
- 7. Dixon Interiors, Inc., is responsible to pay late fees for all contributions paid untimely. For the reporting period from October 2006 through the December 2007, damages are \$21,193.80. FURTHER AFFIANT SAYETH NOT.

Wilchael Christop

Subscribed and swom to before me this <u>1441</u> day of April 2008.

Lo. ballo M.

ELIZABETH A. GALLAGHER HOTANY PUBLIC, STATE OF ELINOIS DIXON INTERIORS, INC. 793 W. WINTHROP AVE. ADDISON, IL 60101

EMPLOYER #21098

JULY 1, 2005 - MARCH 31, 2007

BANSLEY AND KIENER, L.L.P.

CERTIFIED PUBLIC ACCOUNTANTS
O'HARE PLAZA
8745 WEST HIGGINS ROAD, SUITE 200
CHICAGO, ILLINOIS 60631
AREA CODE 312 263.2700

July 26, 2007

Board of Trustees
Pension and Welfare Funds of Construction and General
Laborers' District Council of Chicago and Vicinity
11465 Cermak Rd.
Westchester, IL 60154

We have applied certain procedures, as discussed below, to the payroll records of Dixon Interiorsl, Inc., a contributing employer to the Pension and Welfare Funds of Construction and General Laborers' District Council of Chicago and Vicinity, for the period January 1, 2003 to December 31, 2006. The purpose of our review was to assist you in determining whether contributions to the Trust Funds are being made in accordance with the collective bargaining agreement in effect and with the Trust Agreement of the Fund. The propriety of the contributions is the responsibility of the employer's management.

Our procedures generally include a review of the pertinent provisions of the collective bargaining agreements and comparing underlying employer payroll records to Fund contribution records. The employer records we review may include payroll journals, individual earnings records, payroll tax returns, contribution reports, job classifications, and general disbursement records. The scope of this engagement is limited to records made available by the employer and would not necessarily disclose all exceptions in employer contributions to the Trust Fund. Any compensation paid to employees not disclosed to us or made part of the written record is not determinable by us and is not included in our review.

Our procedures relate to a review of the employer's payroll records only and do not extend to any financial statements of the contributing employer. The procedures were substantially less in scope than an audit of the financial statements of the contributing employer, the objective of which is the expression of an opinion on the contributing employer's financial statements. Accordingly, no such opinion is expressed.

The exceptions to employer contributions are noted on the accompanying report.

Baneley and Kiener, C.L.P.

BANSLEY and KIENER, L.L.P. Certified Public Accountants

Total amount due

Laborers' District Council Reconciliation of Differences Per Year

				5-31	5-31	Total
Fiscal Year Ending			,	2006	2007	Due
Hours Not Reported	·			0.00	3386.00	3,386.00
Hours - Men Not Reported				0.00	0.00	0.00
		*				
Dollar Amount Due					•	٠.
Welfare				0.00	25.259.56	25.259.56
Pension				0.00	16,388.24	16,388.24
Training				00.0	575.63	575.63
GDCNI			٠	0.00	0.00	0.00
LECET				00.0	00.0	0.00
LMDC	-			00.00	0.00	0.00
Working Dues	-			00.0	0.00	0.00
Total				00.00	42,223.43	42,223.43
	Plus previous lat	te charges assessed	Plus previous late charges assessed by Lahorers' Pension and Welfare Funds	n and Welfare Fund	92	6,080.51
	Plus previous un	derpayments incur	Plus previous underpayments incurred to Laborers' District Council Funds	trict Council Funds		236,16
	Plus previous pe	nalties incurred to	Plus previous penalties incurred to Laborers' District Council Funds	ouncil Funds	-	304.32
	Audit Fee		-			818.41

Imployer Name -	DIXON INTERIORS, INC.	Person Contacted -	ANN DIXON
Employer -	21098	Date of Contact -	JUNE 19, 2007
Date of Audit -	JULY 17, 2007	Telephone -	(630) 458-1600
udit Period -	JULY 1, 2005 - MARCH 31, 2007	Auditor -	STEVE TAYLOR

49,662.83

Total amount due

236.16

Plus previous underpayments incurred to Laborers' District Council Funds

Plus previous penalties incurred to Laborers' District Council Funds

Audit Fee

304.32 818.41

Laborers' District Council Reconciliation of Differences Per Year

				5-31	5-31	Total
Fiscal Year Ending			•	2006	2007	Due
Hours Not Reported				00'0	3386.00	3,386.00
Hours - Men Not Reported				0.00	0.00	0.00
				-		
Dollar Amount Due			·			
Welfare	-			0.00	25,259.56	25,259.56
Pension	-			00.00	16,388.24	16,388.24
Training				0.00	575.63	575.63
GDCNI				0.00	00.00	00.0
LECET				00.00	00.00	00.0
LMDC				0.00	00.00	0.00
Working Dues				0.00	00.00	0.00
Total				00.0	42,223.43	42,223.43
		-				
	Plus previous la	te charges assess	Plus previous late charges asseased by Laborers' Pension and Welfare Funds	on and Welfare Fund	ds	6,080.51

Employer - 21098 Date of Contact - JUNE 19, 2007 Date of Audit - JULY 17, 2007 Telephone - (630) 458-1600 Audit Period - JULY 1, 2005 - MARCH 31, 2007 Auditor - STEVE TAYLOR	Employer Name -	DIXON INTERIORS, INC.	Person Contacted -	ANN DIXON
- JULY 17, 2007 Telephone - IULY 1, 2005 - MARCH 31, 2007 Auditor - S	Employer -	21098	Date of Contact -	JUNE 19, 2007
JULY 1, 2005 - MARCH 31, 2007 Auditor -	Date of Audit -	JULY 17, 2007	Telephone -	(630) 458-1600
	Audit Period -	JULY 1, 2005 - MARCH 31, 2007	Auditor -	STEVE TAYLOR

Reconciliation Between Actual and Reported Hours Laborers' District Council

						2006						2007			Total
#SS#	Name	Rate	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	· May	Hours
xxx-xx-3938	ALBUS, BRIAN		0.00	00.0	00.0	148.00	0.00	00'0	00.0	0.00	159.00	00.0	0,00	0.00	307.00
xxx-xx-2744	BOBLAK BOGDAN		0.00	0,00	0.0	00.0	00'0	00'0	0.00	0.00	63.00	00.0	0.00	0.00	63.0
xxx-xx-7883	COLLINS MARK		8.0	000	00.0	34.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	34.50
xxx-xx-2471	DIXON. ANN		0.00	0.00	0.00	90.00	000	00.0	0.00	0.00	120.00	00.0	0.00	0.00	210.00
xxx-xx-7594	DRUMMER, WOODIE		0.00	0.00	0.00	144.50	0.00	0.00	0.00	0.00	150.00	0.00	0.00	0.00	294.50
xxx-xx-5228	GALVEZ, LUCINO		0.00	0.00	0.00	152.00	0.00	00.0	0.00	0.00	152.00	00.00	0.00	0.00	304.00
xxx-xx-5819	GARZA, ORLANDO		0.0	0.00	0.00	0.00	0.00	00.0	00.0	0.00	102.50	00'0	0.00	0.00	102.50
xxx-xx-3906	GOTTSTEIN, TOM		0.00	0.00	0.00	160.00	0.00	00:00	00.0	0.00	160.00	0.00	0.00	0.00	320.00
xxx-xx-0204	HEARNES, ALVIN		0.00	0.00	0.00	135.00	0.00	00'0	0.00	0.00	151.00	00:0	0.00	0.00	286.00
xxx-xx-5118	JAMES, JASON		0.00	0.00	0.00	16.00	0.00	00.0	00'0	0.00	0.00	0.00	0.00	0.00	16.00
xxx-xx-3643	LATORRE, EUGENE		0.00	0.00	0.00	8.00	0.00	0.00	00'0	0.00	0.00	0.00	0.00	0.00	00.8
xx-xx-5328	LOGAN, RANDAL		0.00	0.00	0.00	133.00	0.00	00.0	00'0	0.00	138.00	00.0	0.00	00'0	271.00
xxx-xx-1171	MANNELLA, ANTHONY		00'0	0.00	0.00	131.00	0.00	00.0	0.00	0.00	136.00	0.00	0.00	0.00	287.00
xxx-xx-1483	MARONA, LUKASZ		0.00	0.00	0.00	134.00	0.00	00'0	0.00	0.00	00.00	0.00	0,00	0.00	134.00
xxx-xx-2023	MITRIUS, DAVID		0.00	0.00	0.00	121.50	0.00	00'0	0.00	0.00	140.00	0.00	0.00	0.00	261.50
xxx-xx-3521	PALMA, BORIS		0.00	0.00	0.00	0.00	0.00	00'0	0.00	00'0	61.00	0.00	0.00	0.00	61.00
xxx-xx-1148	ROHDE, CRAIG		0.00	00'0	00.0	144.00	0.00	0.00	0.00	00'0	152.00	000	0.00	0:00	296.00
xxx-xx-4863	THOMPSON, THOMAS		00'0	0.00	0.00	150.00	0.00	00'0	0.00	0.00	0.00	00.0	0.00	0.00	160.00
		Total	00.0	00.0	00.0	1.701.50	0.00	00:0	00.0	0.00	1,684,50	0.00	0.00	00.00	3,386.00

										,				
Welfare	\$7.46	0.0	0.00	0.00	. !	_	0.00	0.00	0.0	12,566.37	0.00	0.00	0.00	25,259.56
Pension	\$4.84	0.00	0.00	0.00			0.00	00'0	0.00	8,152.98	0.00	0.00	0.00	16,388.24
Training	\$0.17	0.00	0.00	0.00		0.00	0.00	00.0	0.00	286.37	0.00	0.00	0.00	575.63
GDCNI	\$0.03	9.0	0.00	0.00			00:00	00'0.	0.00	00.0	0.00	00'0	0.00	0.00
LECET	\$0.05	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	00:0	0.00	0.00	0.00	0.00 0.00
LMDC	\$0.12	0.00	0.00	0.00	L	_	0.00	0.00	0.00	00.0	0.00	0.00	0.00	0.00
Working Dues	\$0.00	0.00	0.00	0.00	1	0.00	0.00	0.00	0.00	00'0	0.00	0.00	0.00	0.00
Total		0.00	00.0	0.00			00.0	0.00	0.00	21,005.72	00'0	0.00	0.00	42,223.43

E	mployer Name -	Employer Name - DIXON INTERIORS, INC.	Person Contacted -	ANN DIXON
딤	Employer -	21098	Date of Contact -	JUNE 19, 2007
Ω	ate of Audit -	Date of Audit - JULY 17, 2007	Telephone -	(630) 458-1600
<	hudit Period -	Audit Period - JULY 1, 2005 - MARCH 31, 2007	Auditor -	STEVE TAYLOR

Laborers' District Council	Beconciliation Retween Actual and Renorted Gross Wages
Laborers' D	Deconciliation Retween Act

Total	Apr May Wages		0.00 0.00 0.00	0.00 00.00 00.00	00.0		0.00	00:00	0.00	0.00	0.00	00.0 00.0 00.0 00.0 00.0	00.0 00.0 00.0 00.0 00.0 00.0	000 000 000 000 000 000	00.00	00.0 00.0 00.0 00.0 00.0 00.0	000 000 000 000 000 000 000 000 000 00	00.0 00.0 00.0 00.0 00.0 00.0 00.0 00.	000 000 000 000 000 000 000 000 000 00	000 000 000 000 000 000 000 000 000 00	0000 0000 0000 0000 0000 0000 0000 0000 0000	000 000 000 000 000 000 000 000 000 00	0000 0000 0000 0000 0000 0000 0000 0000 0000	000 000 000 000 000 000 000 000 000 00	000 000 000 000 000 000 000 000 000 00	00.0 00.0 00.0 00.0 00.0 00.0 00.0 00.
2007	Mar Ap	0.00	0.00	0.00	0.00	00'0	2000	00:0	0.00	0.00	00.00	00.0	00.0	00.0	00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 00.00 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Employer Name -	Employer Name - DIXON INTERIORS, INC.	Person Contacted -	ANN DIXON
Employer -	21098	Date of Contact -	JUNE 19, 2007
Date of Audit -	JULY 17, 2007	Telephone -	(630) 458-1600
Audit Period -	JULY 1, 2005 - MARCH 31, 2007	Auditor -	STEVE TAYLOR

Page 1 of 1

021098 - DIXON INTERIORS INC

LABORERS' PENSION & WELFARE FUNDS CONTRACTOR PENALTY HISTORY

Contractor Number Contractor Name Address

LABORERS' PENSION & WELFARE FUNDS

021098 DIXON INTERIORS INC 793 W WINTHROP AVE ADDISON IL, 601014310

Phone Status Outstanding Balance

Active \$ 21,193.80 (630) 458-1600

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